

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

GREGORY LEE LASSITER (#1263655),

Petitioner,

v.

ACTION NO. 2:18cv537

HAROLD W. CLARKE,

Respondent.

REPORT & RECOMMENDATION FOR DISMISSAL

The court received and conditionally filed a Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, submitted by pro sé Petitioner Gregory Lee Lassiter ("Petitioner" or "Lassiter"). (ECF No. 1). The petition was also accompanied by a request to proceed in forma pauperis. (ECF No. 2). After obtaining Lassiter's inmate trust account information, the court determined that he had access to sufficient assets to pay the required filing fee and by Order entered November 8, 2018, denied his request to proceed in forma pauperis. (ECF No. 5). The Order, which was mailed to Petitioner at the address on file with the court, directed him within 30 days to either pay the required \$5.00 filing fee, request an extension of time within which to pay the filing fee, or demonstrate that he lacked the ability to pay the filing fee. To date Petitioner has not complied

with the court's directive, nor has he responded to the Order in any manner and the time for responding has now expired.

The matter was referred to the undersigned pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure.

Because Petitioner has failed to comply with the directive outlined in the court's prior Order, the undersigned recommends that his petition be DISMISSED without prejudice.

By copy of this Report and Recommendation, the Petitioner is notified that pursuant to 28 U.S.C. § 636(b)(1)(C):

1. Petitioner may file with the Clerk written objections to the foregoing findings and recommendation within fourteen (14) days from the date of mailing of this Report to the objecting party, 28 U.S.C. §636(b)(1)(C), computed pursuant to Rule 6(a) of the Federal Rules of Civil Procedure.

2. A district judge shall make a de novo determination of those portions of this report or specified findings or recommendations to which objection is made.

Petitioner is further notified that failure to file timely objections to the findings and recommendations set forth above will result in waiver of the right to appeal from a judgment of this Court based on such findings and recommendations. Thomas v. Arn, 474 U.S. 140 (1985); Carr v. Hutto, 737 F.2d 433 (4th Cir. 1984); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).

The Clerk is DIRECTED to mail a copy of this Report and Recommendation to the Petitioner at the address on file with the court.



Douglas E. Miller
United States Magistrate Judge

DOUGLAS E. MILLER
UNITED STATES MAGISTRATE JUDGE

Norfolk, Virginia

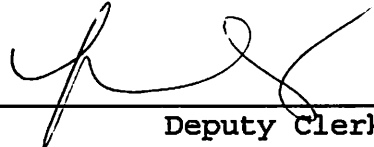
January 4, 2019

Clerk's Mailing Certificate

A copy of the foregoing was mailed this date to the Petitioner
at the addresses listed below:

Gregory Lee Lassiter
#1263655
Greensville Correctional Center
901 Corrections Way
Jarratt, VA 23870

Fernando Galindo, Clerk

By 
Deputy Clerk

January 4, 2019